

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JIMMY LEE BROWN

PLAINTIFF

V.

NO. 07-4111

WILLIAM SMITH

DEFENDANT

CIVIL TRIAL SCHEDULING ORDER

This case is set for A NON-JURY TRIAL in TEXARKANA, ARKANSAS at the call of the Court **during the week beginning** JANUARY 12, 2009. Counsel and unrepresented parties are directed to report to the Judge's chambers at 8:30 A.M. on the date of trial unless otherwise notified.

Effective August 15, 2005, all documents filed with the United States District Court for the Western District of Arkansas must be filed electronically. To obtain registration forms, review the CM/ECF administrative procedures, and to learn more about electronic filing, please visit our web site at www.arwd.uscourts.gov.

Parties are directed to comply with the following schedule:

1. Initial Disclosures:

Mandatory initial disclosures pursuant to F.R.C.P. 26(a)(1) must be made no later than *30 days from the date of this order*. These disclosures are not to be e-filed or submitted to the Court.

2. Discovery:

(a) Discovery must be completed no later than NOVEMBER 13, 2008.

(b) Except in extraordinary circumstances, problems with discovery which are not brought to the Court's attention in time

for the opponent to make a proper response and the Court to make an informed ruling prior to NOVEMBER 13, 2008 will be deemed waived.

3. Procedural and Dispositive Motions:

(a) Motions to amend pleadings or to join other parties must be filed no later than OCTOBER 13, 2008.

(b) Motions for dismissal, summary judgment, or other relief which would dispose of the case without trial must be filed no later than NOVEMBER 13, 2008.

4. Pre-Trial Motions and Objections:

Pre-trial motions, including *Daubert* motions and motions *in limine*, and objections to mandatory pre-trial disclosures in the Pre-Trial Disclosure Sheet, must be filed no later than fourteen (14) days before trial.

5. Jury Instructions:

(a) In any case to be tried to a jury, the parties must submit proposed jury instructions to the Court at jlhinfo@arwd.uscourts.gov and opposing counsel no later than fourteen (14) days before trial. Each instruction must be accompanied by a citation to supporting authority. "Boilerplate" instructions need not be submitted.

(b) The parties are expected to confer in good faith regarding the applicable law and to submit an agreed set of jury instructions so far as possible.

(c) Objections to jury instructions must be submitted to the Court at jlhinfo@arwd.uscourts.gov and opposing counsel no later than five (5) days before trial.

6. Proposed Findings of Fact & Conclusions of Law:

In any case to be tried to the Court, the parties must submit proposed findings of fact and conclusions of law to the Court at jlhinfo@arwd.uscourts.gov and opposing counsel no later than fourteen (14) days before trial.

7. Experts: All parties must make initial expert disclosures *not later than ninety (90) days prior to the trial date* and rebuttal expert disclosures must be made *within thirty (30) days thereafter*.

8. Pre-Trial Disclosure Sheet:

(a) No later than twenty-one (21) days before trial, the parties must file a Pre-Trial Disclosure Sheet following the outline contained in Local Rule 26.2.

(b) Witnesses and exhibits not disclosed in the Pre-Trial Disclosure Sheet may not be used at trial except in extraordinary circumstances.

9. Exhibits:

(a) Parties are directed to come to trial with all exhibits properly marked in numerical sequence, with notations as to which exhibits, if any, will be admitted by stipulation of the parties. The form to be used may be found on the Court's website at www.arwd.uscourts.gov under the category "Online Forms".

(b) On request, a party shall make the original of any exhibit available to opposing counsel for inspection.

10. Continuances: No continuances will be granted except for good cause shown. That a party does not have time to depose a witness; to complete discovery; or otherwise prepare for trial will not normally be considered to be good cause.

11. Miscellaneous:

(a) Trial Length: If any party anticipates the trial will take more than three (3) days, the Court should be immediately notified by sending an e-mail to jlhinfo@arwd.uscourts.gov.

(b) Settlement: If settlement occurs, the Court should be advised immediately by telephoning Gail Garner, Courtroom Deputy, at 479-444-7876 (Fayetteville). **A case reportedly settled will not be removed from the trial calendar until the Court has signed and filed an order of dismissal.**

(c) Settlement Conferences: The Court has authorized the U. S. Magistrate Judges for the Western District of Arkansas to conduct settlement conferences in selected cases. Settlement conferences may be conducted if it appears to the U. S. Magistrate Judge that such would be useful, or if either party so requests.

(d) Effect of Continuances: If this case should be continued from its scheduled trial date, this Order will nevertheless remain in effect unless otherwise ordered.

(e) Reply Briefs: While the Court does not invite reply briefs, if new arguments are raised in response to a motion, the

movant may file a reply brief without leave of Court within five (5) days of such response.

(f) Amendments to this Scheduling Order: **The parties may not amend or deviate from the schedule set out herein without the prior express permission of the Court, which permission will be granted only on a showing of good cause.**

IT IS SO ORDERED this 13th day of June, 2008.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE